

## **REMARKS**

Claims 1-16 are in this application with claims 1, 6, 9, 12 and 13 amended herein. No new matter is added by these amendments. Support for the amendments to claims 1, 9, 12 and 13 can be found throughout the specification but at least at Figs. 4 3 and 4, and page 17, line 11 to page 18, line 8 of the specification.

Initially, the office action objects to claims 6, 10 and 16 as originally filed. Claims 6 and 10 have been amended to clarify that the adjusting of the processing load is accomplished taking into account both an executing status of the computer program and the remaining level of the battery. As to the objection to claim 16, the number is amended herein to properly refer to the claim as claim 13. Withdrawal of the objections is requested.

On the merits, the office action rejects claims 1-4 and 8-13 under 35 U.S.C. § 102(e) as anticipated by U.S. Published Patent Application No. 2003/0210271 to King. Claim 5 is rejected under 35 U.S.C. § 103(a) as unpatentable over King in view of U.S. Patent No. 6,938,176 to Alben. Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over King in view of U.S. Patent No. 7,076,675 to Martinez Perez. Finally, claim 7 is rejected under 35 U.S.C. § 103(a) as unpatentable over King in view of official notice.

In response, claims 1, 9, 12, and 13 are amended herein to clarify that the adjustment to the processing load is made with reference to both the remaining battery power as well as the degree of progress through the program or game.

One of the purposes of the present invention is to avoid the situation where battery of the device runs out prior to the user reaching a convenient save point of the game or program.

By coordinating both the remaining power of the battery and the progress through the game at any particular time the present invention, as recited in the claims, is able to adjusting the processing of the game such that a user is able to reach a convenient save point or stop point in a game and also have the highest quality gaming experience that will enable him to reach that save point.

Accordingly, the present invention, as recited in claims 1, 9, 12, and 13, as amended, patentably distinguish over the relied upon portions of King and are allowable. Claims 2-5, and 8, 10 and 11 depend from one of these allowable base claims are allowed therewith. Further, the distinguishing features of these claims as amended are not found in the relied upon portions of the other cited references in the office action. Accordingly, withdrawal of the rejections is requested.

### **Conclusion**

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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